

Nassau County Office of Minority Affairs  
and  
New York State Office of General Services

PURCHASING FROM NEW  
YORK STATE OGS CONTRACTS  
AND THE M/WBE PROGRAM



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*Presented By:*



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Purchasing Officer I

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# Overview of the New York State M/WBE Law: Article 15-A

Building Partnerships and  
Expanding Opportunities

**Lee Bennett, Director of New  
York State M/WBE Program  
Operations**



NYS OFFICE OF GENERAL SERVICES

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# **Contract Users Include**

- **State Agencies**
- **Public Authorities**
- **Municipalities**
- **Educational Institutions**
- **Charitable Organizations**
- **Other Authorized Users**
  - **Libraries**
  - **Museums**
  - **Volunteer Ambulance & Fire Companies**
  - **Public Radio & TV**
  - **Cemeteries**

# OGS Contracts

- \$5.3 billion annualized value
- 6,200 + contract user customers
- 2,600 active contracts
- 630 Contracts awarded in last 12 months

**NYS Executive Laws**

**Article 15A**

**&**

**5NYCRR**



# NYS Executive Law Article 15-A

## Article 15-A

Participation by minority group members  
and women with respect to state contracts

Article 15-A of the NYS Executive law  
was enacted on July 19, 1988,  
authorizing the creation of the Empire  
State Development (ESD) Division of  
Minority and Women's Business  
Development

# Article 15-A

- 310: Definitions
- 311: Division of minority and women's business development.
- 312: Equal employment opportunities for minority group members and women.
- 313: Opportunities for minority and women-owned business enterprises
- 314: Statewide certification program
- 315: Responsibilities of contracting agencies
- 316: Enforcement
- 317: Superseding effect of article with respect to state law
- 318: Severability



# Minority-owned Business Enterprise

**A Minority-owned Business Enterprise (MBE) is:**

A business enterprise that is at least 51 percent owned by citizens or permanent resident aliens who are members of a minority group.

# Women-owned Business Enterprise (WBE)

## **A Women-owned Business Enterprise (WBE) is:**

A business enterprise that is at least 51 percent owned by citizens or permanent resident aliens who are women.

# 5NYCRR

## New York State Codified Rules & Regulations

### Parts 140 – 144

- 140: Definitions
- 141: State agency responsibilities
- 142: Requirements and procedures regarding equal employment opportunities for minority group members and women on state contracts
- 143: Requirements and procedures regarding business participation opportunities for certified minorities and women on state contracts
- 144: Statewide Certification Program



# M/WBE Certification

- A business enterprise that is independently owned, operated and controlled by a minority group member and/or woman is eligible to obtain certification from ESD.
- The ownership interest must have the authority to independently control the business decisions of the enterprise.

# Contact Us

**New York State  
Office of General Services  
Minority and Women-Owned Business Enterprises  
and Community Outreach  
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# QUESTIONS & ANSWERS



# How to Purchase from New York State OGS Contracts

Building Partnerships and  
Expanding Opportunities

**Marian Corbett, New York  
State Procurement Services  
Procurement Officer I**

# Compliance with the Requirements of the M/WBE Program

Building Partnerships and  
Expanding Opportunities

**Traci Wheelwright, Counsel to  
the Office of Minority Affairs**



# Questions to Be Answered Today

- Why must we comply?
- How does compliance apply to M/WBE?
- When did it start and when will it end?
- What are the general requirements of the M/WBE Program?
- Who is responsible?
- Where can I find this information and more?



# Why must we comply?

- Cost Savings
- Legislative and Executive Requirements
- Drive the Marketplace Towards Diversity
- Exercise of Cooperation and Uniformity

“Think about the danger, when things are going well” — Fortune Cookie

# How Does Compliance Apply to the M/WBE Program?

- The M/WBE Program
- Components
- Expanding Opportunity





# When Did It Start and When Will It End?

- Local Law 14-2002; Title 53 was passed in 2002 and became effective 10/9/2002
- The M/WBE Rules were distributed August 2005
- Recommendations for this year's report will include a sunset provision in order to maintain the constitutionality of the law



# What Are the Requirements?

- Outreach
  - Section 104.1 Identifying contracts
  - Section 104.2 Monitoring contracts
- Tracking
  - Section 105.2 Administer the rules
  - Section 105.2 Require Utilization Plans
  - Section 108.3 Reporting requirements
  - Section 5.7 Contract Awards

# What Are the Requirements?

- Certification
  - Section 108.2 Accessible directory
- Compliance
  - Section 5. Meeting and notice



# Who Is Responsible?

- Procurement Staff cannot and will not bear the entire responsibility of making this work!!
- Roles
  - Minority Affairs
  - Your Agency
  - Purchasing
- Responsibility
  - Communication
- Partnership between OMA, Your Agency and the M/WBE Community



# Where Can I Find This Information and More?

- Title 53 can be found on page 118 at [http://www.nassaucountyny.gov/website/GenericServices/docs/NassauCountyMiscLaws\\_June2007.pdf](http://www.nassaucountyny.gov/website/GenericServices/docs/NassauCountyMiscLaws_June2007.pdf)
- The M/WBE Rules can be found at [http://www.nassaucountyny.gov/agencies/MinorityAffairs/Docs/PDF/MWBE\\_Rules\\_Final3\\_2006-0309.pdf](http://www.nassaucountyny.gov/agencies/MinorityAffairs/Docs/PDF/MWBE_Rules_Final3_2006-0309.pdf)

# Summary

- An effective culture of compliance must be established through a cooperative effort
- We all need to understand our roles and responsibilities
- Training and education are critical
- Communication is essential!



# QUESTION AND ANSWER

More questions? [twheelwright@nassaucountyny.gov](mailto:twheelwright@nassaucountyny.gov)





THANK YOU!!